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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/027,852	02/23/98	UBER	89330/97-003

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19M1/0104

EXAMINER

CASLER, B

ART UNIT

1911

PAPER NUMBER

DATE MAILED: 01/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/027,852

Applicant(s)
Uber et al.

Examiner
Brian L. Casler

Group Art Unit
1911



☒ Responsive to communication(s) filed on 2/23/98, 4/23/98, 8/17/98 and 12/17/98

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-40, 44, 45, and 47-49 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 8, 23-31, and 40 is/are allowed.

☒ Claim(s) 1-7, 9, 13, 17-22, 32-39, 44, 45, and 47 is/are rejected.

☒ Claim(s) 10-12, 14-16, 48, and 49 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 4 and 5

☒ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit:

DETAILED ACTION

Reissue Applications

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7,22,32-37,39, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al. in view of Boyd.

Saini et al. teaches everything including an MRI suite with an injector system having a separate motor/drive unit and controller positioned away from the injector and a flexible drive shaft between the drive unit and the injector.

Saini et al. does not teach the use of a rechargeable battery a recharger unit or the type of material used for the flexible drive shaft.

Boyd teaches a biomedical injector apparatus that includes a rechargeable battery or a typical AC supply as the power source.

The use of brass as the flexible drive shaft is a matter of design choice. It would have been obvious at the time the invention was made to one of ordinary skill in the art to use a rechargeable battery and an associated charger to power the injector device of Saini et al. as taught by Boyd and as a matter of design choice. One of ordinary skill in the art would recognize the need for a recharger to recharge the rechargeable batteries used in Boyd. Furthermore, the process of recharging batteries as part of the use of rechargeable batteries is well known.

Art Unit:

4. Claims 9,13,18-21, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al. in view of Neer et al.

Saini et al. teaches everything as stated supra. including controlling the injector.

Saini et al does not teach communicating/controlling the injector from another room through a communication/control link.

Neer et al. teaches an injector system in which the injector is located in the imaging room and the control is located in an adjacent room and a control line connects the injector to the controller.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to locate the controller of Saini et al. in an adjacent room to reduce interference with the imaging fields and to connect the controller to the injector by a hardwired communications/control link as taught by Neer et al.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al. in view of Neer et al. as set forth above and further in view of Boyd as set forth in paragraph 3 above.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saini et al. in view of Boyd as set forth above and further in view of Reilly et al.

Saini et al. teaches everything as stated supra. Saini et al does not teach the use of a dual injector.

Reilly et al. teaches the use of a dual injector on a rotating turret to allow for rapid multiple injections.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to include a dual injector system in the device of Saini et al. to allow for rapid multiple injections as taught by Reilly et al.

Art Unit:

Allowable Subject Matter

7. Claims 10-12, 14-16, and 48-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 8, 23-31, and 40 are allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In a phone interview on 18 December 1998, the examiner indicated that claims 8, 9-21, 23-31, 20, 39 and 47-49 would be allowable upon submission of the preliminary amendment. However upon reviewing the prior art and the preliminary amendment the examiner deemed it necessary to reject claims 9, 13, 17-21, 39, and 47 in view of the Neer et al. reference.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Casler whose telephone number is (703) 306-3490. General file and terminal disclaimer inquiries can be directed to the Patent Analyst, Nathanya Ferguson at (703) 306-3476. Fee or status inquiries can be directed to the Patent Assistant, Wan Laymon at (703) 306-3477. The fax number at this location is (703) 308-4383.

blc
December 20, 1998



Brian L. Casler
Adjudicator
Patent Reengineering Lab
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